

REMARKS

Upon entry of this supplemental amendment, claims 22-24, 26-28 and 43-48 are all the claims pending in the application. By this amendment, Applicants are adding new claims 43-48. No new matter has been added.

Applicants note that the arguments with respect to claims 22-24 and 26-28 are still applicable and are incorporated herein by reference. Accordingly, Applicants maintain that claims 22-24 and 26-28 are patentable over Imai et al. (U.S. 5,870,467), an indication of which is respectfully requested.

With respect to new claims 43-48, Applicants note that these claims are similar to claims 22-24 and 26-28 but are written in means plus function format. Applicants note that MPEP § 2114 (see first three lines of MPEP § 2114) indicates that the functional portion of means-plus-function limitations are to be interpreted in accordance with MPEP § 2181 - § 2186.

As explained in MPEP § 2182, “the application of a prior art reference to a means or step plus function limitation requires that the prior art element perform the identical function specified in the claim.” Accordingly, in order for any of the prior art references cited by the Examiner to anticipate any of new claims 43-48, the prior art reference must perform the identical function recited in the claim.

Regarding independent claim 43, Applicants respectfully submit that none of the references cited by the Examiner perform the identical functions recited in this claim. For example, Applicants respectfully submit that the cited prior art references fail to disclose or suggest the functional features of judging whether or not data received by a data transmission/receiving means is of a superdistribution format; identifying audio contents of data and obtaining attribute

information corresponding to the identified audio contents from external equipment via the data transmission/receiving means; storing identification information identifying the user of the data conversion apparatus; ciphering the attribute information obtained from the external equipment and the identification information stored in the user ID storage means; and adding the ciphered attribute information and identification information to the audio contents and thereby converting the audio contents together with the obtained attribute information to the superdistribution data format.

In view of the foregoing, Applicants submit that claim 43 is patentable over the references cited by the Examiner, an indication of which is respectfully requested. Claims 44-48 depend from claim 43 and are therefore considered patentable at least by virtue of their dependency.

Accordingly, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Kenji TAGAWA et al.

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

By: Kenneth W. Fields
Kenneth W. Fields
Registration No. 52,430
Attorney for Applicant

KWF/kes
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
July 27, 2004